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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/718,997	11/22/2000	Bradley L. Gotfried	6686-15	1244

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EXAMINER

HAVAN, THU THAO

ART UNIT PAPER NUMBER

3624

DATE MAILED: 01/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/718,997

Applicant(s)

GOTFRIED, BRADLEY L.

Examiner

Thu Thao Haven

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Amendment

Claims 1-56 are pending. This action is in response to the RCE received November 21, 2005.

Response to Arguments

Applicant's arguments with respect to claims 1-56 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **1-56** are rejected under 35 U.S.C. 102(e) as being anticipated by Broerman (US 6,594,633).

Re claims **1** and **29**, Broerman teaches a method for brokering real estate transactions wherein a broker allows a user to sell a first property and purchase a second property via a computer communications network (fig. 3) comprising the steps of:

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- (a) the broker purchasing a first property from the user (col. 1, line 60 to col. 2, line 7);
- (b) the broker providing at least one second property purchase offering (figs. 5b and 13);
- (c) the broker receiving a selection of at least one second property selected from the at least one second property purchase offering (col. 8, lines 8-55);
- (d) the broker transferring the sale proceeds from the sale transaction of the first property to the user, for use in purchasing the at least one second property selected in said receiving step (c) (col. 10, lines 9-62); and
- (e) executing a purchase transaction of the at least one second property selected in said receiving step (c), using the sale proceeds from the sale transaction of the at least one first property as payment towards the purchase of the at least one second property (col. 12, lines 35-52). Broerman discloses a computer system that acts as a broker for purchasing property from buyers and providing the potential property to that particular buyer or buyers. This brokerage system coordinates the real estate transactions. It electronically communicates with custom profiles in order to coordinate services for the parties (i.e. seller or buyer).

Re claims **2** and **30**, Broerman teaches broker's purchase of the first property is conditioned upon the user applying the sale proceeds from the sale transaction of the first property to purchase the second property (figs. 7-9).

Re claims **3-4** and **31-32**, Broerman teaches the electronic encryption utilizes the Secure Sockets Layer encryption standard (col. 6, lines 30-40). Digital signature of Broerman involves utilizing encryption.

Re claims **5-6, 26, 33-34, 45, and 54-56**, Broerman teaches broker offering to the user a purchase price for the first property wherein the purchase price of the first property is based on at least one selected from the group consisting of information regarding the first property received from the user, information regarding the first property contained in public records, the taxable value of the first property, and a combination thereof (fig. 3).

Re claims **7-9, 17-20, 35-37, and 46-48**, Broerman teaches querying the user for information regarding the property offering (col. 7, lines 28-53). Broerman discloses the steps of querying for real estate information.

Re claims **10-13, and 38-41**, Broerman teaches the use of digital signature technology for transaction consummation (col. 6, lines 30-40). Broerman discloses digital signature.

Re claims **14-16, 21-22, 42-44, and 49-50**, Broerman teaches a network server (figs. 2 and 5a).

Re claims **23-25, 27-28, and 51-53**, Broerman teaches allowing the user to confirm the sale transaction step prior to execution (fig. 7).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).

TTH
1/8/2006



HANI M. KAZIMI
PRIMARY EXAMINER